

APR 30 2004

PATENT

Docket No.: 200701/1127

OFFICIAL  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Zhang et al.

Serial No. : 10/658,008

Cnfrm. No. : 2286

Filed : September 9, 2003

For : A MICROCHIP ELECTROSPRAY DEVICE  
AND COLUMN WITH AFFINITY  
ADSORBENTS AND USE OF THE SAMEExaminer:  
E. TherkornArt Unit:  
1723TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

## Mail Stop:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Advion Bio Sciences, Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,596,988. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any

manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The assignee of the entire right, title and interest of the above-identified application, hereby confirms that an assignment from Sheng Zhang and Xian Huang for the subject application, which is a division of U.S. Serial No. 10/078,843 filed February 9, 2002, was recorded on April 4, 2002, at Reel 012769/Frame 0984 in the U.S. Patent and Trademark Office. Attached hereto is a copy of an assignment from Thomas N. Corso, Gary A. Schultz, and Simon J. Prosser, which is being filed with the U.S. Patent and Trademark Office today.

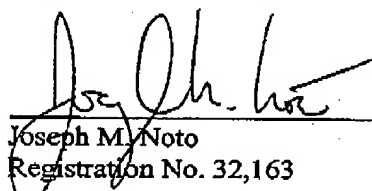
The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Enclosed is a check for \$55 to cover the terminal disclaimer fee under 37 CFR § 1.20(d). Please charge any additional fees or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: 4/30/04

  
Joseph M. Noto  
Registration No. 32,163

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1601  
Facsimile: (585) 263-1600

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop \_\_\_\_\_, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

April 30, 2004  
Date

  
Signature

Ruth R. Smith  
Type or Print Name

## ASSIGNMENT

WHEREAS, We, **Thomas N. Corso**, a citizen of the United States, residing at 622 Scofield Road, Groton, New York 13073, **Gary A. Schultz**, a citizen of the United States, residing at 520 Warren Place, Ithaca, New York 14850, and **Simon J. Prosser**, a United Kingdom citizen, residing at 2250 N. Tripphammer Road, #P3F, Ithaca, New York 14850, have invented certain new and useful improvements in **A MICROCHIP ELECTROSPRAY DEVICE AND COLUMN WITH AFFINITY ADSORBENTS AND USE OF THE SAME** for which we have executed an application for Letters Patent in the United States, filed as U. S. Serial No. 10/658,008 on September 9, 2003;

AND WHEREAS, **Advion BioSciences, Inc.**, with its principal place of business at 15 Catherwood Road, Ithaca, New York 14850, desires to acquire the entire right, title and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, including salary or payment for the making of inventions, or employee benefits, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **Advion BioSciences, Inc.**, its successors, legal representatives and assigns, the entire right, title and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **Advion BioSciences, Inc.**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said **Advion BioSciences, Inc.**, its successors, legal representatives and assigns, any facts known to us respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said **Advion BioSciences, Inc.**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.


IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of 28 April, 2004.

  
Thomas N. Corso

STATE OF NEW YORK  
COUNTY OF TOMPKINS SS:

This 28 day of APRIL, 2004, before me personally came the above-named **Thomas N. Corso**, to me personally known as the individual who executed the same of his/her own free will for the purposes therein set forth.

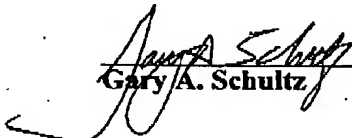
**SANDRA E. WALTHER**  
Notary Public, State of New York  
No. 6018112  
Qualified in Tompkins County  
Commission Expires Dec. 28, 20 06

  
Notary Public

R763703.1

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day  
of April, 2004.

  
\_\_\_\_\_  
Gary A. Schultz

STATE OF NEW YORK  
COUNTY OF TOMPKINS SS:

This 28 day of APRIL, 2004, before me personally came the  
above-named Gary A. Schultz, to me personally known as the individual who executed the  
same of his/her own free will for the purposes therein set forth.

SANDRA G. WALTHER  
Notary Public, State of New York  
No. 6018112  
Qualified in Tompkins County  
Commission Expires Dec. 28, 2006

  
\_\_\_\_\_  
Notary Public

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28<sup>th</sup> day  
of April, 2004.

  
\_\_\_\_\_  
Simon J. Prosser

STATE OF NEW YORK  
COUNTY OF TOMPKINS SS:

This 28 day of APRIL, 2004, before me personally came the  
above-named Simon J. Prosser, to me personally known as the individual who executed the  
same of his/her own free will for the purposes therein set forth.

SANDRA G. WALTHER  
Notary Public, State of New York  
No. 6018112  
Qualified in Tompkins County  
Commission Expires Dec. 28, 2006

  
\_\_\_\_\_  
Notary Public